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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/804,907

03/13/2001

Yoshiaki Segawa

1924.65310

2790

24978 7590 01/26/2007

GREER, BURNS & CRAIN  
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CHICAGO, IL 60606

EXAMINER

SWEARINGEN, JEFFREY R

ART UNIT

PAPER NUMBER

2145

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/26/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.\*

**Office Action Summary**

Application No.

09/804,907

Applicant(s)

SEGAWA ET AL.

Examiner

Jeffrey R. Swearingen

Art Unit

2145

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) 6 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/2/2006 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Donahue et al. (US 5,835,721).

4. In regard to claims 1, 4, and 5, Donahue disclosed:

*a reply unit configured to transmit reply information corresponding to a request issued by the external communication device, and to store the reply information in a memory; column 9, lines 25-55*

*a connection monitoring unit configured to monitor a connection between the data communication device and the external communication device, the connection for transmitting the reply information from the reply unit; column 9, line 35 and*

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*a transmission unit configured to transmit the reply information corresponding to the connection stored in said memory to said external communication device based on a result of the monitoring by said connection monitoring unit if the transmission unit determines that the connection has been abnormally cut off.* Column 9, lines 35-36

The sending computer is notified when a connection is terminated during transmission.

5. In regard to claim 2, Donahue further disclosed:

*a reply information destruction unit which destroys the reply information stored in said memory if the reply information destruction unit determines that the connection is normally released based on the result of the monitoring by said connection monitoring unit.* Inherent to Donahue. When a connection is broken between two computers, a computer must "dump" or "destroy" stored information in a memory related to that connection. If the computer storing the information fails to do so, a memory leak builds which causes system performance degradation and memory overrun errors.

6. In regard to claim 3, Donahue further disclosed:

*the reply information includes at least identification information for identifying the request and reply data, wherein the external communication device retrieves the reply information corresponding to the abnormally cutoff connection from among a plurality of the reply information stored in a memory while using the identification information and makes a transaction match based on the reply data, the transaction including communication processes relating to at least the request and the reply information.*

Column 8, lines 1-19

7. In regard to claim 7, Donahue further disclosed:

*the reply unit configured to store the reply information associated with an IP address and a port number corresponding to the connection in said memory, and the transmission unit retrieves the reply information corresponding to the abnormally cutoff connection from the reply information stored in said memory while using the IP address and the port number corresponding to the abnormally cutoff connection as a key.*

Column 8, lines 1-19

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8. Claims 1-5 and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by Gordon et al. (US 6,671,729 B1).

9. In regard to claims 1, 4, and 5, Gordon disclosed:

*a reply unit configured to transmit reply information corresponding to a request issued by the external communication device, and to store the reply information in a memory; column 7, lines 29-41*

*a connection monitoring unit configured to monitor a connection between the data communication device and the external communication device, the connection for transmitting the reply information from the reply unit; column 7, lines 1-22 and*

*a transmission unit configured to transmit the reply information corresponding to the connection stored in said memory to said external communication device based on a result of the monitoring by said connection monitoring unit if the transmission unit determines that the connection has been abnormally cut off. Column 7, line 60 – column 8, line 9*

10. In regard to claim 2, Gordon further disclosed:

*a reply information destruction unit which destroys the reply information stored in said memory if the reply information destruction unit determines that the connection is normally released based on the result of the monitoring by said connection monitoring unit. Inherent to Gordon. When a connection is broken between two computers, a computer must "dump" or "destroy" stored information in a memory related to that connection. If the computer storing the information fails to do so, a memory leak builds which causes system performance degradation and memory overrun errors.*

11. In regard to claim 3, Gordon further disclosed:

*the reply information includes at least identification information for identifying the request and reply data, wherein the external communication device retrieves the reply information corresponding to the abnormally cutoff connection from among a plurality of the reply information stored in a memory while using the identification information and*

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*makes a transaction match based on the reply data, the transaction including communication processes relating to at least the request and the reply information.*

Column 7, lines 42-52

12. In regard to claim 7, Gordon further disclosed:

*the reply unit configured to store the reply information associated with an IP address and a port number corresponding to the connection in said memory, and the transmission unit retrieves the reply information corresponding to the abnormally cutoff connection from the reply information stored in said memory while using the IP address and the port number corresponding to the abnormally cutoff connection as a key.*

Column 7, lines 42-52

#### ***Claim Rejections - 35 USC § 112***

13. Claims 1, 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

14. It is unclear to one of ordinary skill in the art what is meant by *transmit[ing] reply information corresponding to a request issued by the external communication device*. One of ordinary skill is unable to ascertain if the transmission occurs because of an external request or if the reply data is related to an external request, and if the two are interrelated.

#### ***Response to Arguments***

15. Applicant's arguments filed 9/26/2006 have been fully considered but they are not persuasive. The arguments in the advisory action of 10/12/2006 are herein incorporated by reference.

16. Applicant never clearly claimed or explained what the reply information is, and failed to explicitly state what is meant by the reply information. Until Applicant clearly states what reply information entails, it must be broadly construed.

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17. The rejection of Donahue is further advanced for Applicant in this action. An additional rejection with Gordon is added to expedite prosecution, as well as a rejection under 35 U.S.C. 112, second paragraph that may help clarify the difference in reading between Applicant and the Examiner. The Examiner is willing to discuss this with Applicant's representative if further clarification is necessary.

### ***Conclusion***

18. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

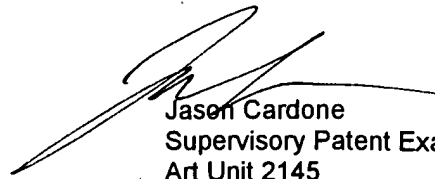
Chiu et al.	US 5,101,402
Raynak et al.	US 5,680,549
Chen	US 5,802,258
Wall et al.	US 6,223,289 B1
Bullard	US 6,625,657 B1

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Swearingen whose telephone number is (571) 272-3921. The examiner can normally be reached on M-F 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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A handwritten signature in black ink, appearing to read 'Jason Cardone', is positioned above the printed name and title.

Jason Cardone  
Supervisory Patent Examiner  
Art Unit 2145